APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/205,653	12/03/1998	CHARLES A. ELDERING	8887.3003	7410

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EXPANSE NETWORKS, INC.
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#17

EXAMINER
LE, UYEN T

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 11/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/205,653	Eldering et al
	Examiner	Art Unit
	Uyen Le	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 10, 2001* .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *52-82* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *52-82* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *16*

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1.   Claims 52-82 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by

Williams et al (US 5,977,964) of record.

Regarding claim 52, Williams discloses a method for generating a subscriber

profile including monitoring subscriber interactions with a television (see column 8, lines

25-40), processing the subscriber interactions to generate viewing characteristics that

identify viewing traits associated with the subscriber (see column 5, lines 52-64). The

claimed "retrieving heuristic rules associated with the viewing characteristics, wherein

the heuristic rules predict traits about the subscriber not related to the viewing

characteristics and generating the subscriber profile by applying the heuristic rules to

the viewing characteristics" merely read on the fact that in the method of Williams, a

user profile database tracks users preferred channels and determine whether a viewer

is a child or an adult and restricts advertisements to toys and cereals for a child and

automobiles and appliances for an adult (see column 5, lines 60-65, column 6, lines 40-

45). Clearly, some heuristic rules associated with the viewing characteristics are being

retrieved and applied to the viewing characteristic in order to determine whether a

viewer is a child or an adult. Furthermore, the rules clearly predict traits not related to

the viewing characteristics about a subscriber since the method predicts that a child

would like toys and cereals and an adult would like cars and appliances.

Regarding claim 70, Williams discloses a method for generating a subscriber

profile including monitoring subscriber viewing activities including requests for source

material when Williams shows that the user profile database tracks user preferred

channels (see column 5, lines 52-64). The claimed "retrieving source related information

corresponding to requested source material, wherein the source related information

includes descriptions of at least one aspect of the requested source material" is met

when Williams shows that the user profile database tracks program genre information of

the programs selected by a viewer. The claimed "creating a first representation of the

subscriber based on the subscriber viewing activities and the source related

information" is met when Williams shows that a user profile is created for a child or an

adult. The claimed "retrieving a set of rules associated with at least a subset of

information contained in the subscriber viewing activities and the source related

information, wherein the set of rules relates at least one aspect of the subscriber

viewing activities or at least one aspect of the source related information to at least one

non-viewing parameter" is met when Williams shows that depending on the probable

identity of the viewer, appropriate advertisements are presented. Clearly, a set of rules

has to relate the source related information to a non viewing parameter in the method of

Williams in order to correlate a viewer profile to what that viewer would most likely buy

in order to advertise to the targeted audience (see column 6, lines 40-44).

Regarding claim 74, Williams discloses a method for generating a subscriber

profile including monitoring subscriber television viewing activities (see column 8, lines

25-40). The claimed "retrieving source related information corresponding to requested

source material, wherein the source related information includes at least one description

of the requested source material" is met when Williams shows that the user profile

database tracks program genre information of the programs selected by a viewer (see

column 5, lines 60-64). The claimed "creating viewing characteristics based on the

subscriber viewing activities and the source related information, wherein the viewing

characteristics define a first representation of the subscriber" is met when Williams

shows that based on monitored activities of the viewers, the method define a profile for

the viewer for example the viewer is likely a child or an adult (see column 6, lines 25-

44). The claimed "retrieving a set of rules associated with at least some subset of the

viewing characteristics, wherein the set of rules defines at least one aspect of the

subscriber not defined in the viewing characteristics" is met when Williams shows that

depending on the probable identity of the viewer, appropriate advertisements are

presented. Clearly, a set of rules defines an aspect of the subscriber not defined in the

viewing characteristics since the method determines what a specific viewer would most

likely buy and advertise accordingly. The claimed "generating the subscriber profile by

applying the set of rules to the viewing characteristics, wherein the subscriber profile

defines a second representation of the subscriber" is met when the method generates a profile of a child or an adult based on the monitored activities.

Claim 75, 79 correspond respectively to a system for method claims 52, 74, thus are rejected for the same reasons stated in claims 52, 74 above.

Regarding claim 53, Williams discloses storing the subscriber profile in database 800 (see Figure 8).

Regarding claim 55, clearly the subscriber profile is probabilistic in nature since the method of Williams determines that the viewer is probably a child or an adult based on monitored activities of the viewer in order to advertise effectively.

Regarding claim 56, the claimed "wherein the heuristic rules predict demographic traits about the subscriber" merely reads on the fact that a viewer is guessed to be a child or an adult in the method of Williams.

Regarding claim 57, the claimed "wherein the subscriber profile identifies demographic traits of the subscriber" merely reads on the fact that the method of Williams requests demographic information from each user (see column 16, lines 19-26).

Regarding claim 58, the claimed "wherein the heuristic rules predict product interest traits about the subscriber" is met when Williams shows that the method advertises toys and cereals to a viewer whose profile is a child and cars and home appliances to a viewer whose profile is an adult (see column 6, lines 40-44).

Regarding claim 59, the claimed "subscriber profile identifies product interest traits of the subscriber" is met when Williams shows that the profile includes subscriber preferred channels (see column 5, lines 60-64).

Regarding claim 60, the claimed "wherein said monitoring includes monitoring at least some subset of channel changes, volume changes, record command, and associated time" merely reads on the fact that the method of Williams monitor what and when a viewer watches and how a viewer reacts to a program (see Figure 8, column 5, lines 52-64, column 7, lines 2-6, column 6, line 50- column 7, line 25, column 8, lines 25-40, column 15, line 64- column 16, line 2).

Regarding claim 61, clearly the subscriber interactions are aggregated to generate the viewing characteristics since the method monitors viewer's interactions over time to generate a profile.

Regarding claim 62, the claimed "wherein said aggregating includes aggregating the subscriber interactions for a single viewing session to generate session viewing characteristics that identify viewing traits associated with the subscriber for that viewing session" is met when Williams shows that the system monitors a viewer's activities such as muting or interrupting advertisements (see column 7, lines 2-6).

Regarding claim 63, the claimed "said retrieving includes retrieving heuristic rules associated with the session viewing characteristics and said generating includes generating a session subscriber profile by applying the heuristic rules to the session viewing characteristics" are met by the fact that based on the muting and interrupting interactions, the method determines what subscribers' dislikes for the session are and

generates a session profile. Clearly, heuristic rules associated with the session viewing

characteristics are being applied for the method of Williams to generate viewer's

session profile since muting and interrupting advertisements are interpreted as dislikes

of the viewer.

Regarding claim 64, the claimed "wherein said aggregating includes aggregating

the subscriber interactions for multiple viewing sessions to generate average viewing

characteristics that identify viewing traits associated with the subscriber for the multiple

viewing sessions" is met by the fact that the method of Williams generates a profile for a

child or an adult (see column 6, lines 40-44). Clearly, multiple viewing sessions had

been aggregated in order to generate a child profile or an adult profile.

Regarding claim 65, the claimed "wherein said retrieving includes retrieving

heuristic rules associated with the average viewing characteristics and said generating

includes generating an average subscriber profile by applying the heuristic rules to the

average viewing characteristics" are met by the fact that the method of Williams derives

likes and dislikes of a viewer by monitoring viewer's interactions with the system over

time (see Figure 8, column 5, line 52- column 6, line 24).

Regarding claim 66, clearly the viewing characteristics do not identify raw

subscriber interaction data since the profile database of Williams records preferred

channels and program genre instead of the program names (see column 5, lines 59-64).

Regarding claim 67, the claimed "wherein the viewing characteristics include at

least some subset of viewing time per channel, category and network, channel changes

per time period, average volume per time period, channel category and network and

dwell time per channel, category and network" are met by the fact that the method of Williams monitors what when and how a viewer watches programs over time (see Figure 8, column 5, lines 52-64, column 7, lines 2-6, column 6, line 50- column 7, line 25, column 8, lines 25-40, column 15, line 64- column 16, line 2).

Regarding claim 68, the claimed "further comprising retrieving source related information corresponding to requested source material, wherein the source related information includes at least some subset of title, category, subcategory, description, rating and content" are met when Williams shows that the method retrieves a program title, genre, content information and whether it is violent or not (see column 5, line 52- column 6, line 23, column 11, lines 61-67).

Regarding claim 69, the claimed "wherein said processing includes processing the subscriber interactions with respect to the source information" is met by the fact that the viewer clicks on the title for example to select a program (see column 8, lines 4-12).

Regarding claim 71, the claimed "wherein the set of rules define probabilities associated with the at least one non-viewing parameter and the subscriber profile is probabilistic in nature" merely read on the fact that based on the viewing statistics, the method of Williams guesses who is using the entertainment system for example, the method determines a viewer is probably a child and presents advertisements of toys and cereals (see column 6, lines 40-44).

Regarding claim 72, the claimed "wherein at least one of the at least one non-viewing parameters is a demographic parameter and the subscriber profile defines at

least a demographic representation of the subscriber" is met when Williams shows that the viewer enters demographic information (see column 16, lines 22-26).

Regarding claim 73, the claimed "wherein at least one of the at least one non-viewing parameters is a product interest parameter and the subscriber profile defines at least a product interest representation of the subscriber" is met when Williams shows that based on viewing characteristics, the method guesses who is watching and presents programs and advertisements accordingly (see column 6, lines 40-44, column 8, lines 41-48).

Claim 76 corresponds to a system for method claim 61, thus is rejected for the same reasons stated in claim 61 above.

Regarding claim 77, the claimed "further comprising means for retrieving source related information corresponding to requested source material, wherein the source related information includes descriptions of at least one aspect of the requested source material" is met when Williams shows that the system tracks whether supplemental programming is requested with a particular channel (see column 5, lines 60-64).

Regarding claim 78, clearly said means for processing processes the subscriber interactions with respect to the source related information as claimed since the system of Williams tracks user's requests.

Regarding claim 80, the claimed set of rules that define probabilities associated with the at least one aspect of the subscriber merely reads on the fact that based on user's interactions with the system, a child profile or an adult profile is built. Clearly, the subscriber profile is generated as a probabilistic determination of one aspect of the

subscriber not defined in the viewing characteristics since the viewing characteristics

record viewer's interactions but do not include the information that a subscriber is a

child or an adult.

Regarding claim 81, the claimed "said means for retrieving a set of rules retrieves

a set of rules that define demographic parameters of the subscriber and said means for

generating the subscriber profile generates the subscriber profile as a demographic

representation of the subscriber" merely reads on the fact that a child profile or an adult

profile is built depending on viewing characteristics gathered over time in the method of

Williams.

Regarding claim 82, the claimed "said means for retrieving a set of rules retrieves

a set of rules that define product interests of the subscriber and said means for

generating the subscriber profile generates the subscriber profile identifying product

interests of the subscriber" are met when Williams shows that based on viewing

characteristics, the method guesses who is watching and presents advertisements

accordingly (see column 6, lines 40-44, column 8, lines 41-48).

Conclusion

2.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uyen T Le whose telephone number is 703-305-4134.

The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Black can be reached on 703-305-9707. The fax phone numbers
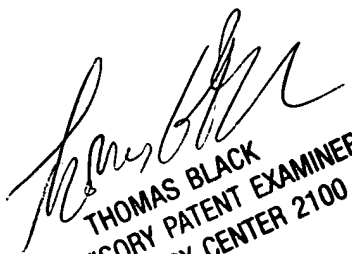
for the organization where this application or proceeding is assigned are 703-746-7239

for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

UL
November 13, 2001

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